

REMARKS

The Office Action mailed March 2, 2006 has been carefully considered along with the references cited therein. In the subject Office Action, the Examiner indicated that claims 1, 3-6, 19-24 and 31-34 read on the elected species. He also indicated that claims 7-9, 11-18, 25-30 and 35 are withdrawn from consideration as being directed to non-elected species. Claims 1, 3-6, 20-21 and 34 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. Claims 19 and 22-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by Peterson (U.S. Patent No. 5,450,685). Claims 19 and 22-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by Audino (U.S. Patent No. 6,202,336). The Examiner indicated that claims 1 and 3-6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office Action. Claim 31 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 32-33 were allowed. The Examiner also indicated that claims 20-21 and 34 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Election of Species

Applicant requests that the Examiner consider and allow all pending claims. The Examiner acknowledged that claims 1, 19 and 32 read on the elected species (FIGURES 9A-9E). Claim 19 has been amended to include the limitation presented in claim 20. The Examiner also indicated that claim 20 reads on the elected species. Pending claims 1, 19 and 32 also read on species B-G as defined by the Examiner in an Office Action dated July 19, 2005. In the July 19 Office Action, the Examiner indicated that upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141. Since the pending independent claims read on species B-G, Applicant respectfully requests that the Examiner consider and allow all pending claims.

§ 112 Rejections

Applicant respectfully disagrees that use of the phrase "an engagement mechanism" makes claim 1 indefinite. "There is no requirement that the words in the claim must match those used in the specification disclosure." MPEP 2173.05(e). The phrase "an engagement mechanism" is clear such that a person of ordinary skill in the art could interpret the metes and bounds of the claim.

The use of the phrase "to fix the location of the slidable rod in relation to the tubular plug extension" does not make claim 1 indefinite. The Examiner's finding that such a phrase makes the claim indefinite seems to be based upon a simple misunderstanding. Not to be bound by the embodiments disclosed in the figures of application, the slidable rod is depicted as reference numeral 244 in FIGURES 9B-9D and not reference numeral 226 as the Examiner suggests. Reference numeral 226 refers to a key. In the embodiment depicted in FIGURES 9A-9E, the slidable rod 244 is fixed in relation to the tubular plug extension 232 when the engagement mechanism, which can include expansion tube 242, selectively engages a surface of the tubular extension. Accordingly, the slidable rod is accurately described as fixed in location, and therefore claims 1, 5 and 20 do in fact comply with 35 U.S.C. § 112, second paragraph.

As for claim 34, FIGURE 10A discloses a flange slit 272b disposed adjacent a slit 272c in the slidable rod 272. Claim 34 depends from claim 32, which is generic to species B-G.

§ 102 Rejections

Claim 19 has been amended to include the limitation recited in claim 20. Claim 20 was indicated to be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph (discussed above) and to include all of the limitations of the base claim and any intervening claims. Accordingly, Applicant respectfully submits that amended claim 19 defines over the cited references. Claims 22, 23 and 26-29 have been amended to bring them in accord with the amendment to claim 19.

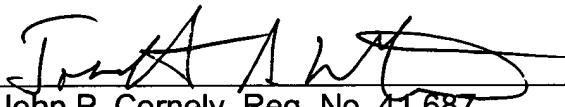
CONCLUSION

All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance. If the Examiner is of the view that all of the pending claims of the application are not in clear condition for allowance, it is requested that the Examiner telephone the undersigned for purposes of conducting a telephone interview to resolve any differences. Accordingly, an early notice of allowance is earnestly solicited.

Respectfully submitted,

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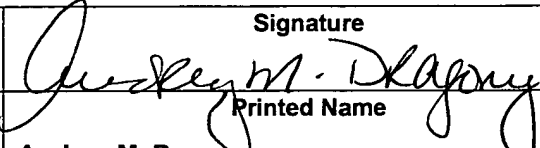
May 2, 2006
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CERTIFICATE OF MAILING OR TRANSMISSION

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☒ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
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